

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CWP-5244-2021

Date of decision: - 23.11.2023

Kamla Devi

....Petitioner

Versus

The District Magistrate Ambala and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Naveen Gupta, Advocate, for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana.

Mr. Dhruv Gupta, Advocate, for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing/setting aside the impugned order dated 07.09.2018 (Annexure P-3) and order dated 28.02.2020 (Annexure P-7).

2. During the course of arguments, learned counsel for the petitioner as well as learned counsel for respondent No.2 have jointly submitted that the impugned orders (Annexures P-3 and P-7) be set aside and respondent No.2 be granted liberty to file reply/composite additional reply within a period of one month from today and respondent No.1 be directed to decide the case afresh, as expeditiously as possible, after taking into consideration the averments made in the application, composite additional reply to the said application and the replication, if

any, to the said composite additional reply filed by respondent No.2.

3. Keeping in view the above-said facts and circumstances, the present writ petition is partly allowed and the impugned orders (Annexures P-3 & P-7) are set aside with the following directions: -

- (i) It would be open to respondent No.2 to file a composite additional reply within a period of one month from the date of appearance of the parties before the District Magistrate. The said reply would be considered as reply of respondent No.2 to the application filed by the petitioner under the Maintenance and Welfare of Parents & Senior Citizens Act, 2007.
- (ii) It would be open to the petitioner to file replication to the composite additional reply filed by respondent No.2 within a period of 15 days thereafter.
- (iii) Respondent No.1 is directed to consider the matter afresh on the basis of the application, composite additional reply to the application and the replication, if any, and to proceed in the matter in accordance with law and conclude the same as expeditiously as possible.
- (iv) The parties are directed to appear before respondent No.1 on 04.12.2023.

4. It is made clear that this Court has not opined on the merits of the case and respondent No.1 would consider the matter independently, in accordance with law.

November 23, 2023

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**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No